



1  
2  
3  
4  
Entered on Docket  
5  
June 27, 2006

*Bruce A. Markell*

Hon. Bruce A. Markell  
United States Bankruptcy Judge

6 Annette W. Jarvis, Utah Bar No. 1649  
7 RAY QUINNEY & NEBEKER P.C.  
8 36 South State Street, Suite 1400  
9 P.O. Box 45385  
10 Salt Lake City, Utah 84145-0385  
Telephone: (801) 532-1500  
Facsimile: (801) 532-7543  
Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

11 and

12 Lenard E. Schwartzer  
13 Nevada Bar No. 0399  
Schwartzer & McPherson Law Firm  
14 2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Telephone: (702) 228-7590  
Facsimile: (702) 892-0122  
E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)

15 Proposed Attorneys for Debtors and Debtors-in-Possession

16  
17  
18  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

19 In re:  
20 USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR  
Chapter 11  
Jointly Administered Under  
Case No. BK-S-06-10725 LBR

21 In re:  
22 USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

23 In re:  
24 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
Debtor.

25 In re:  
26 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

27 In re:  
28 USA SECURITIES, LLC,  
Debtor.

**ORDER DENYING MOTION FOR  
ORDER AUTHORIZING RETURN OF  
NON-INVESTED FUNDS OF GRABLE  
B. RONNING, THE WILD WATER  
LIMITED PARTNERSHIP, CROSBIE  
B. RONNING AND THE BOSWORTH  
1988 FAMILY TRUST**

1 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA First Trust Deed Fund, LLC

Date: June 15, 2006

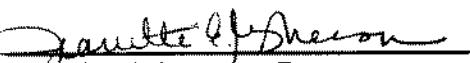
Time: 10:00 a.m.

6 The Motion For Order Authorizing Return Of Non-Invested Funds Of Grable B. Ronning,  
 7 The Wild Water Limited Partnership, Crosbie B. Ronning And The Bosworth 1988 Family Trust  
 8 (the "Motion") having come before this Court on June 15, 2006; the Debtors, USA Commercial  
 9 Mortgage Company ("USACM"), USA Securities, LLC ("USA Securities"), USA Capital Realty  
 10 Advisors, LLC ("USA Realty"), USA Capital Diversified Trust Deed Fund ("USA Diversified"),  
 11 and USA Capital First Trust Deed Fund ("USA First") (collectively referred to as "Debtors")  
 12 appearing by and through their counsel, Ray Quinney & Nebeker P.C. and Schwartzer &  
 13 McPherson Law Firm; Grable B. Ronning, The Wild Water Limited Partnership, Crosbie B.  
 14 Ronning And The Bosworth 1988 Family Trust appearing by and through their counsel Robert C.  
 15 LePome, Esq., it is hereby

16 ORDERED that the Motion For Order Authorizing Return Of Non-Invested Funds Of  
 17 Grable B. Ronning, The Wild Water Limited Partnership, Crosbie B. Ronning And The Bosworth  
 18 1988 Family Trust is hereby denied without prejudice as the rights to the funds in the Investor  
 19 Account will be determined in connection with an Interpleader action.

20 Submitted by:

21 Annette W. Jarvis, Utah Bar No. 1649  
 22 RAY QUINNEY & NEBEKER P.C.  
 23 36 South State Street, Suite 1400  
 24 P.O. Box 45385  
 25 Salt Lake City, Utah 84145-0385  
 26 and

27   
 28 Lenard E. Schwartzer, Esq.  
 Jeanette E. McPherson, Esq.  
 SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146  
 Attorneys for Debtor and Debtor-In-Possession

1 ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-  
2 INVESTED FUNDS OF GRABLE B. RONNING, THE WILD WATER LIMITED  
3 PARTNERSHIP, CROSBIE B. RONNING AND THE BOSWORTH 1988 FAMILY TRUST

4 Approved/Disapproved by:

5 OFFICE OF THE U.S. TRUSTEE

6 By:

7 August Landis, Esq.  
8 Scott Farrow, Esq.

Approved/Disapproved by:

Robert C. LePome, Esq.  
330 S. Third St., #100B  
Las Vegas, NV 89101  
Attorney for Grable B. Ronning, The Wild  
Water Limited Partnership, Crosbie B. Ronning  
And The Bosworth 1988 Family Trust

10 Approved/Disapproved by:

11 STUTMAN TREISTER & GLATT and SHEA  
12 & CARLYON, LTD.

Approved/Disapproved by:

GORDON & SILVER, LTD

13 By:

14 Frank A. Merola, Esq.  
15 Eve Karasik, Esq.  
16 Christine Pajak, Esq.  
17 Counsel for the Official Committee of  
18 Equity Security Holders of USA Capital  
19 First Trust Deed Fund LLC

By:

20 Gerald M. Gordon, Esq.  
21 Gregory E. Garman, Esq.  
22 Counsel for Official Committee of  
23 Holders of Executory Contract Rights of  
24 USA Commercial Mortgage Company

25 Approved/Disapproved by:

26 ORRICK, HERRINGTON & SUTCLIFFE  
27 LLP and BECKLEY SINGLETON, CHTD.

Approved/Disapproved by:

LEWIS AND ROCA, LLP

28 By:

29 Mark A. Levinson Esq.  
30 Lynn Trinka Ernce, Esq.  
31 [Proposed] Counsel for the Official  
32 Committee of Equity Security Holders of  
33 USA Capital Diversified Trust Deed  
34 Fund LLC

By:

35 Susan M. Freeman  
36 Rob Charles  
37 Counsel for Official  
38 Committee of Unsecured Creditors of  
39 USA Commercial Mortgage Company

40 # # #

Jun 26 2006 11:01AM SCHWARTZER &amp; MCPHERSON

No. 3081 P. 7/7

1 **ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-**  
 2 **INVESTED FUNDS OF GRABLE B. RONNING, THE WILD WATER LIMITED**  
 3 **PARTNERSHIP, CROSBIE B. RONNING AND THE BOSWORTH 1988 FAMILY TRUST**

4 Approved/Disapproved by:

5 Approved/Disapproved by:

6 **OFFICE OF THE U.S. TRUSTEE**

7 By:

8 August Landis, Esq.  
9 Scott Farrow, Esq.10 Robert C. LePome, Esq.  
11 330 S. Third St., #100B  
12 Las Vegas, NV 89101  
13 Attorney for Grable B. Ronning, The Wild  
14 Water Limited Partnership, Crosbie B. Ronning  
15 And The Bosworth 1988 Family Trust

16 Approved/Disapproved by:

17 Approved/Disapproved by:

18 **STUTMAN TREISTER & GLATT and SHEA  
& CARLYON, LTD.**19 **GORDON & SILVER, LTD**

20 By:

21 Frank A. Merola, Esq.  
22 Eve Karasik, Esq.  
23 Christine Pajak, Esq.  
24 Counsel for the Official Committee of  
25 Equity Security Holders of USA Capital  
First Trust Deed Fund LLC26 Gerald M. Gordon, Esq.  
27 Gregory E. Garman, Esq.  
28 Counsel for Official Committee of  
Holders of Executory Contract Rights of  
USA Commercial Mortgage Company

29 Approved/Disapproved by:

30 Approved/Disapproved by:

31 **ORRICK, HERRINGTON & SUTCLIFFE  
32 LLP and BECKLEY SINGLETON, CHTD.**33 **LEWIS AND ROCA, LLP**

34 By:

35 Mark A. Levinson Esq.  
36 Lynn Trinka Ernce, Esq.  
37 [Proposed] Counsel for the Official  
38 Committee of Equity Security Holders of  
39 USA Capital Diversified Trust Deed  
40 Fund LLC41 Susan M. Freeman  
42 Rob Charles  
43 Counsel for Official  
44 Committee of Unsecured Creditors of  
45 USA Commercial Mortgage Company

46 # # #

SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7598 • Fax: (702) 892-0122

1 **ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-**  
2 **INVESTED FUNDS OF GRABLE B. RONNING, THE WILD WATER LIMITED**  
3 **PARTNERSHIP, CROSBIE B. RONNING AND THE BOSWORTH 1988 FAMILY TRUST**

4 Approved/Disapproved by:

Approved/Disapproved by:

5 **OFFICE OF THE U.S. TRUSTEE**

6 By: \_\_\_\_\_

7 August Landis, Esq.  
8 Scott Farrow, Esq.

Robert C. LePome, Esq.  
330 S. Third St., #100B  
Las Vegas, NV 89101  
Attorney for Grable B. Ronning, The Wild  
Water Limited Partnership, Crosbie B. Ronning  
And The Bosworth 1988 Family Trust

11 Approved/Disapproved by:

12 **STUTMAN TREISTER & GLATT and SHEA & CARLYON, LTD.**

13 By: Frank A. Merola

14 Frank A. Merola, Esq.  
15 Eve Karasik, Esq.  
16 Christine Pajak, Esq.  
17 Counsel for the Official Committee of  
18 Equity Security Holders of USA Capital  
19 First Trust Deed Fund LLC

Approved/Disapproved by:

**GORDON & SILVER, LTD**

By: \_\_\_\_\_

Gerald M. Gordon, Esq.  
Gregory E. Garman, Esq.  
Counsel for Official Committee of  
Holders of Executory Contract Rights of  
USA Commercial Mortgage Company

18 Approved/Disapproved by:

19 **ORRICK, HERRINGTON & SUTCLIFFE  
20 LLP and BECKLEY SINGLETON, CHTD.**

21 By: \_\_\_\_\_

22 Mark A. Levinson Esq.  
23 Lynn Trinka Ernce, Esq.  
24 [Proposed] Counsel for the Official  
25 Committee of Equity Security Holders of  
USA Capital Diversified Trust Deed  
Fund LLC

Approved/Disapproved by:

**LEWIS AND ROCA, LLP**

By: \_\_\_\_\_

Susan M. Freeman  
Rob Charles  
Counsel for Official  
Committee of Unsecured Creditors of  
USA Commercial Mortgage Company

26 # # #

27

28

SCHWARTZER & MCPHERSON LAW FIRM  
2858 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 725-7590 • Fax: (702) 892-6122

1 **ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-  
2 INVESTED FUNDS OF GRABLE B. RONNING, THE WILD WATER LIMITED  
3 PARTNERSHIP, CROSBIE B. RONNING AND THE BOSWORTH 1988 FAMILY TRUST**

4 Approved/Disapproved by:

5 **OFFICE OF THE U.S. TRUSTEE**

6 By:

7 August Landis, Esq.  
8 Scott Farrow, Esq.

Approved/Disapproved by:

Robert C. LePome, Esq.  
330 S. Third St., #100B  
Las Vegas, NV 89101  
Attorney for Grable B. Ronning, The Wild  
Water Limited Partnership, Crosbie B. Ronning  
And The Bosworth 1988 Family Trust

11 Approved/Disapproved by:

12 **STUTMAN TREISTER & GLATT and SHEA  
& CARLYON, LTD.**

14 By:

15 Frank A. Merola, Esq.  
16 Eve Karasik, Esq.  
17 Christine Pajak, Esq.  
18 Counsel for the Official Committee of  
19 Equity Security Holders of USA Capital  
20 First Trust Deed Fund LLC

Approved/Disapproved by:

**GORDON & SILVER, LTD**

By:

Gerald M. Gordon, Esq.  
Gregory E. Garman, Esq.  
Counsel for Official Committee of  
Holders of Executory Contract Rights of  
USA Commercial Mortgage Company

18 Approved/Disapproved by:

19 **ORRICK, HERRINGTON & SUTCLIFFE  
20 LLP and BECKLEY SINGLETON, CHTD.**

Approved/Disapproved by:

**LEWIS AND ROCA, LLP**

21 By:

22 Mark A. Levinson Esq.  
23 Lynn Trinka Ernce, Esq.  
24 [Proposed] Counsel for the Official  
25 Committee of Equity Security Holders of  
USA Capital Diversified Trust Deed  
Fund LLC

By:

Susan M. Freeman  
Rob Charles  
Counsel for Official  
Committee of Unsecured Creditors of  
USA Commercial Mortgage Company

26 # # #

1 ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-  
2 INVESTED FUNDS OF GRABLE B. RONNING, THE WILD WATER LIMITED  
3 PARTNERSHIP, CROSBIE B. RONNING AND THE BOSWORTH 1988 FAMILY TRUST

4 Approved/Disapproved by:

Approved/Disapproved by:

5 OFFICE OF THE U.S. TRUSTEE

6 By:

7 August Landis, Esq.  
8 Scott Farrow, Esq.

Robert C. LePome, Esq.  
330 S. Third St., #100B  
Las Vegas, NV 89101  
9 Attorney for Grable B. Ronning, The Wild  
10 Water Limited Partnership, Crosbie B. Ronning  
11 And The Bosworth 1988 Family Trust

12 Approved/Disapproved by:

Approved/Disapproved by:

13 STUTMAN TREISTER & GLATT and SHEA  
& CARLYON, LTD.

GORDON & SILVER, LTD

14 By:

15 Frank A. Merola, Esq.  
16 Eve Karasik, Esq.  
17 Christine Pajak, Esq.  
18 Counsel for the Official Committee of  
19 Equity Security Holders of USA Capital  
20 First Trust Deed Fund LLC

By:  
21 Gerald M. Gordon, Esq.  
22 Gregory E. Garman, Esq.  
23 Counsel for Official Committee of  
24 Holders of Executory Contract Rights of  
25 USA Commercial Mortgage Company

26 Approved/Disapproved by:

Approved/Disapproved by:

27 ORRICK, HERRINGTON & SUTCLIFFE  
28 LLP and BECKLEY SINGLETON, CHTD.

LEWIS AND ROCA, LLP

By:

21   
22 Mark A. Levinson Esq.  
23 Lynn Trinka Ernce, Esq.  
24 ~~Proposed~~ Counsel for the Official  
25 Committee of Equity Security Holders of  
USA Capital Diversified Trust Deed  
Fund LLC

By:  
26 Susan M. Freeman  
27 Rob Charles  
28 Counsel for Official  
Committee of Unsecured Creditors of  
USA Commercial Mortgage Company

26 # # #  
27  
28

1 **ORDER DENYING MOTION FOR ORDER AUTHORIZING RETURN OF NON-  
2 INVESTED FUNDS OF GRABLE B. RONNING, THE WILD WATER LIMITED  
3 PARTNERSHIP, CROSBIE B. RONNING AND THE BOSWORTH 1988 FAMILY TRUST**

4 Approved/Disapproved by:

Approved/Disapproved by:

5 **OFFICE OF THE U.S. TRUSTEE**

6 By:

7 August Landis, Esq.  
Scott Farrow, Esq.

8 Robert C. LePome, Esq.  
9 330 S. Third St., #100B  
Las Vegas, NV 89101  
10 Attorney for Grable B. Ronning, The Wild  
Water Limited Partnership, Crosbie B. Ronning  
And The Bosworth 1988 Family Trust

11 Approved/Disapproved by:

Approved/Disapproved by:

12 **STUTMAN TREISTER & GLATT and SHEA  
& CARLYON, LTD.**

GORDON & SILVER, LTD

13 By:

14 Frank A. Merola, Esq.  
15 Eve Karasik, Esq.  
16 Christine Pajak, Esq.  
17 Counsel for the Official Committee of  
Equity Security Holders of USA Capital  
First Trust Deed Fund LLC

18 Approved/Disapproved by:  
19 **LEWIS AND ROCA, LLP**  
20   
21 By:   
22 Susan M. Freeman  
23 Rob Charles  
24 Counsel for Official  
Committee of Unsecured Creditors of  
25 USA Commercial Mortgage Company

26 Approved/Disapproved by:

Approved/Disapproved by:

27 **ORRICK, HERRINGTON & SUTCLIFFE  
28 LLP and BECKLEY SINGLETON, CHTD.**

By:

22 Mark A. Levinson Esq.  
23 Lynn Trinka Ernce, Esq.  
24 [Proposed] Counsel for the Official  
Committee of Equity Security Holders of  
25 USA Capital Diversified Trust Deed  
Fund LLC

26 # # #